

**IN THE UNITED STATES BANKRUPTCY  
COURT FOR THE EASTERN DISTRICT OF  
PENNSYLVANIA**

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IN RE: Tiffany Heinly	CHAPTER Thirteen
Debtor	Case Number <b>22-13435-pmm</b>

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**MOTION FOR RELIEF FROM AUTOMATIC STAY TO PERMIT  
SPRING HOUSE AT BRANDYWINE BORROWER, LLC TO PROCEED WITH AN  
EVICTION FOR  
216 Stone Fence Road, West Chester, PA 19382**

Petitioner, Spring House at Brandywine Borrower, LLC, by and through their attorney, Jénel R. Marraccini, Esquire, moves this Court for an Order granting Relief from the Automatic Stay provided for by 11 U.S.C. Section 362 and in support thereof avers the following:

1. The Petitioner is the owner of the property located at 216 Stone Fence Road, West Chester, PA 19382, where the Debtor resides.
2. Tiffany Heinly is the Debtor in the above-entitled case under Chapter 13 of the Bankruptcy Code pending in this Court.
3. On December 28, 2022, the above-named Debtor filed a Petition for Relief under Chapter 13 of the Bankruptcy Code in this court.
4. Subsequent to the filing of the Petition for Relief in Bankruptcy, the Debtor has not paid rent in the following amounts to the Petitioner herein

<b>Date</b>	<b>Description</b>	<b>Charge</b>	<b>Payment</b>	<b>Balance</b>
9/1/2023	Garage Fee	\$170.00		\$170.00
9/1/2023	Rent	\$2,088.00		\$2,258.00
9/1/2023	Pet Fee	\$25.00		\$2,283.00
9/4/2023	Late Fee	\$208.80		\$2,491.80
10/1/2023	Rent	\$2,088.00		\$4,579.80
10/1/2023	Garage Fee	\$170.00		\$4,749.80
10/1/2023	Pet Fee	\$25.00		\$4,774.80

10/1/2023	Water Fee	\$12.98	\$4,787.78
10/1/2023	Utility Charge	\$4.50	\$4,792.28
10/1/2023	Sewer Fee	\$100.69	\$4,892.97
10/4/2023	Late Fee	\$208.80	\$5,101.77
11/1/2023	Garage Fee	\$170.00	\$5,271.77
11/1/2023	Rent	\$2,088.00	\$7,359.77
11/1/2023	Pet Fee	\$25.00	\$7,384.77
11/1/2023	Water Fee	\$12.87	\$7,397.64
11/1/2023	Utility Fee	\$4.50	\$7,402.14
11/1/2023	Sewer Fee	\$100.69	\$7,502.83
11/4/2023	Late Fee	\$208.80	\$7,711.63

In addition, due to Debtor's failure to pay the aforementioned post petition rent payments, Petitioner herein has had to incur \$735.00 in legal fees and costs, which Debtor is responsible for in accordance with the parties' lease agreement.

5. The Debtor does not have the means of paying his rent and the Petitioner is without adequate protection.

6. Debtor continues to have the use of the apartment "Rent-Free" has no right to remain therein without paying rent.

WHEREFORE, Petitioner moves this Court for an Order Granting Relief from the Automatic Stay provided for by 11 U.S.C. Section 362 and permitting Petitioner to proceed with an action for possession of the leased premises.

Respectfully submitted,

COHEN MARRACCINI, LLC

/s/ Jénel R. Marraccini

BY:

JÉNEL R. MARRACCINI, ESQUIRE  
Attorney for Movant

660 Second Street Pike  
Southampton, PA 18966  
(215)887-8100